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PART-IIA

GOVERNMENT OF MEGHALAYA

ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 4th December, 2012.

No.GAA.33/98/Pt/32.—The Governor of Meghalaya is pleased to declare that all State Government Offices and all Revenue and Magisterial Courts in Meghalaya shall be closed on the 28th and 31st December, 2012 as compensatory holidays. However, in compensation all such Offices and Courts will remain opened on the 23rd and 30th (Saturdays) of March, 2013.

P. W. INGTY,

Principal Secretary to the Govt. of Meghalaya,
General Administration (A) Department.

The 30th November, 2012.

No.ERTS (E)27/2010/Pt/123.—In exercise of the powers conferred by Section 36 of the Meghalaya Excise Act (Assam Excise Act I of 1910 as Adapted by Meghalaya), the Government of Meghalaya is pleased to extend the benefit of concessional rate of Excise duty for a period of 2 years, subject to further extension as may be considered appropriate, for all local brands of Beer produced by local Brewery as follows:-

Rate of Concessional

Beer produced locally	-	15% of normal rate of Excise duty or the minimum duty prescribed therein.
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This order shall come into immediate effect.

J. LYNGDOH,

Commissioner & Secretary to the Govt of Meghalaya,
Excise, Registration, Taxation and Stamps Department.

The 30th November, 2012.

No.ERTS (E)27/2010/Pt/124.—In exercise of the powers conferred by Section 36 of the Meghalaya Excise Act (Assam Excise Act I of 1910 as adapted by Meghalaya), the Government of Meghalaya is hereby pleased to make the following Rules to further amend the Meghalaya Excise Rules, (hereinafter referred to as the Principal Rules) namely:-

Short title and commencement.

- (1) These Rules may be called the Meghalaya Excise (Amendment) Rules, 2012.
- (2) They shall come into force with immediate effect.

Partial Amendment of Rule 370.

- (a) In sub-rule (1) for the words “rupees six” and “rupees four” the words “rupees twelve” and “rupees eleven & eight paise” shall be respectively substituted.
- (b) After sub-rule (2), a new sub-rule (3) shall be inserted, namely:-
- (3) all consignments of IMFL and Beer from local brewery and IMFL bottling units within the state shall be subject to payment of transport pass fee at the rate of ₹. 6/- and ₹. 4/- per bulk litre respectively.

This order shall come into immediate effect.

J. LYNGDOH,

Commissioner & Secretary to the Govt. of Meghalaya,
Excise, Registration, Taxation and Stamps Department.

The 30th November, 2012.

No.ERTS(E)27/2010/Pt/125.—In exercise of the powers conferred by Section 36 of the Meghalaya Excise Act (Assam Excise Act I of 1910 as adapted by Meghalaya) and in partial modification of Govt. Notification No. ERTS (E) 11/98/50, dated 25th April, 2003, the Government of Meghalaya is pleased to prescribe a revised fee on export of Beer outside the State as follows :-

1. Beer - ₹. 2/- per case.

This order shall come into immediate effect.

J. LYNGDOH,

Commissioner & Secretary to the Govt. of Meghalaya,
Excise, Registration, Taxation and Stamps Department.

The 29th November, 2012.

No.CDD.168/2012/1.—In exercise of the powers conferred by sub section 2(b) of Section 32 and Sub Section (6) of Section 7 of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) 2005, the Governor of Meghalaya is hereby pleased to make the “Unemployment Allowance Rules 2012” for the implementation of NREGS in Meghalaya as follows:

- 1) (1) These rules may be called the Rural Employment Guarantee Rules.
- (2) They shall extend to the whole of Meghalaya.
- (3) They shall come in force on the date of their publication in the Official Gazette.
- 2) (1) In these rules, unless the context otherwise requires.
 - (a) The “Act” means the National Rural Employment Guarantee-Act 2005 (42 of 2005).
 - (b) “Appellate Authority” means the Secretary Community and Rural Development Department and any other officer as referred to in sub-rule (2) of Rule (3) of the Meghalaya Grievance Redressal Mechanism Rules 2009.
 - (c) “Department” means the Community and Rural Development, Government of Meghalaya.
 - (d) “District Programme Coordinator” means Deputy Commissioner of the concerned District.
 - (e) “Programme Officer” means the Block Development Officer.
 - (f) “Block” means Community Development Block within whose jurisdiction the Village Employment Council (VECs) function.
 - (g) “Central Rules” means the rules framed by the Government of India under the Act.
 - (h) “State Rules” means the rules framed by the State Government under the Act.
 - (i) “SRES” means the State Rural Employment Society, the nodal agency for implementing Mahatma Gandhi National Rural Employment Guarantee Scheme, 2005 in Meghalaya.
- (2) The words and expressions used in these rules and not otherwise defined but defined in the Act; shall have the meaning(s) respectively assigned to them in the Act.

3) **Entitlement of Unemployment Allowance:**

- (1) A person who is registered under the scheme and who has given a letter asking for employment is not provided such employment within fifteen (15) days of receipt of his application seeking employment, or from the date on which the employment has been sought in the case of an advance application, whichever is later, he shall be entitled to a daily wage rate equal to one-fourth of the prevalent wage rate for the first thirty (30) days of the financial year and one-half of the wage rate for the remaining period of the financial year.
- (2) The liability of the Block to pay Unemployment Allowance to any household shall cease as per the provisions of the sub-section (3) of section (7) of the Act.

4) Procedure for filing a claim :

The aggrieved applicant should submit a claim before the Secretary of the VEC clearly stating the number of days for which the Unemployment Allowance is being claimed for. The applicant should also produce the original copy of his Job Card for inspection along with the original Acknowledgement Receipt for Job Demand issued by the Village Employment Council (VEC)/Area Employment Council (AEC) concerned, or any other authority as may be identified by the State Government.

5) Procedure for verification of claim :

- (1) The Secretary of the VEC, upon making due enquiry and satisfying himself that the claim is legitimate, will forward the claim to the Programme Officer along with his recommendation. The Programme Officer after due scrutiny, will also certify the actual days for which Unemployment Allowance has to be paid after a thorough cross verification of the Job Card and Muster Roll, with the records maintained under MIS to verify the authenticity of the claim. After verification, all the claims should be submitted to the District Programme Coordinator (DPC) along with a recommendation for payment of the Unemployment Allowance. The DPC upon satisfying himself of the legitimacy of the claim and verification done thereof, will requisition Unemployment Allowance from the State Rural Employment Society (SRES).
- (2) If the Programme Officer rejects the demand, he shall record the reasons-for rejecting and intimate the same to the applicant in writing.
- (3) The Secretary of the VEC shall submit a quarterly statement to the Programme Officer regarding the Unemployment Allowance paid by him to the applicant.

6) Procedure for payment of Unemployment Allowance :

- (1) When the claim is found to be genuine, the claimant should be paid an amount equivalent to one-fourth of the prevalent wage rate for the first thirty days of the financial year and one-half of the wage rate for the remaining period of the financial year.
- (2) The Programme Officer will meet the required expenses from the amount earmarked for the purpose by the State Government, placed with the State Rural Employment Society (SRES). The SRES, on receiving the claim from the DPC shall release the amount to MGNREGS Block account for further payment to the applicants in their respective bank/post office accounts. The Programme Officer shall in no case make payment of Unemployment Allowance out of the fund received from the Central or State Governments meant for the implementation of the Scheme.

7) Grounds for rejection of claims of unemployment allowance.

The liability of the State Government to pay Unemployment Allowance to a claimant during any financial year shall cease-

- i. When the applicant is directed by the Village Employment Council(VEC)/ Area Employment Council (AEC) or the Programme Officer to report for work either by himself or to depute at least one adult member of his household; or
- ii. When the period for which employment sought comes to an end and no member of the household of the applicant has turned up for employment; or

- iii. When the adult member(s) of the household of the applicant have received a total of at least 100 days of work within the financial year; or
- iv. When the household of the applicant has earned as much from the wages and Unemployment Allowance taken together which is equal to the wages for 100 days of work during the financial year.

8) **Maintenance of Accounts of Employment of Labourers and Expenditure.**

The VEC shall maintain a register of all the works sanctioned, executed and completed. It shall also maintain a register for the Unemployment Allowance recording all the allowance that has to be paid. This information will be reported by the VEC to the Programme Officer in the same proforma, which the Programme Officer will compile and then forward a copy to the DPC. The DPC shall compile the data given and generate an annual report as per format given in the MIS and also forward a copy to the State Rural Employment Society (SRES).

9) **Execution Arrangements.**

- (1) At the State level the Principal Secretary C&RD Department will be assisted by the SRES which is the nodal agency for MGNREGA.
- (2) At the District Level, the DPC which will be assisted by the Project Director, DRDA and the professional man power and staff in the DRDA.
- (3) At the Block Level, the Programme Officer will be supported by the Additional Programme Officer, Technical Assistant and other staffs.
- (4) At the Village level, the work execution will be done by the VEC.

K. N. KUMAR,

Principal Secretary to the Government of Meghalaya,
Community & Rural Development Department.

The 29th October, 2012.

No.CDD.122/2006/Pt.I/17.—In exercise of the powers conferred under subsection (1) read with Clause (c) of Sub-section (1) of Section 21 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 vide Notification of the Govt. of India, Ministry of Rural Development, the Governor of Meghalaya is pleased to notify the **Mahatma Gandhi State Rural Employment Guarantee Fund Rules, Meghalaya, 2012** by modifying the Mahatma Gandhi State Rural Employment Guarantee Fund Rules notified in 2008 as follows:-

1. Short Title and Commencement.

- (i). These Rule may be called the **Mahatma Gandhi State Rural Employment Guarantee Fund Rules, Meghalaya, 2012.**
- (ii). The Rules shall come into force with effect from the date of its notification in the Official Gazette.

2. Definition :- In these Rules, unless the context otherwise requires;

- (a) "Act" means the **Mahatma Gandhi National Rural Guarantee Fund Act, 2005.**
- (b) "Rules" means the Mahatma Gandhi State Rural Employment Guarantee Fund Rules, Meghalaya, 2012.
- (c) "State Government" means Government of Meghalaya.
- (d) "State Fund" means the Mahatma Gandhi State Rural Employment Guarantee Fund, Meghalaya established under sub-section (1) of Section 21 of the Act.
- (e) All other words and expressions used herein and not defined but defined in the Act shall bear the Meanings respectively assigned to them in the Act.

3. Sources of Fund :-

The funds of the council/society shall consist of the following:-

- (a) **Recurring and non- recurring grants made by the Government of India and State Government for the furtherance of the objectives of the society.**
- (b) **Income from other sources.**

4. Usage of the State Fund: - The State fund will be utilized as per the provisions of the MGNREGA, 2005 and expenditure on administrative expenses should be within the prescribed limit and in the manner as specified in the instruction of Ministry of Rural Development issued from time to time. The fund -will not be utilized for payment of unemployment allowance, administrative and day-to-day expenditure of the SEGC and the Society.

- 5. Release of Grants from the Fund to the District Programme Coordinators :-** (1) Before the beginning of each financial year on or before 5th January, all the District Programme Coordinators shall prepare the Annual work Plan and Labour Budget and send to the State Government for taking up with the Govt. of India.
- (2) The District Programme Coordinators may also in their Annual Work Plan and Labour Budget submit proposals for any other works other than those specified in Scheduled 1 of the Act to the State Government for taking up with Govt. of India.
 - (3) The Districts should submit the proposal to the State Govt. within 5th of January of each financial year for taking up with the Govt. of India.

- (4) The State Govt. will release the state share to the District Programme Coordinators in accordance with the directions to be issued by the Ministry of Rural Development from time to time. Thereafter the District Programme Coordinators will release the fund to the Programme Officers who in turn will release the funds to Area Employment Councils and Village Employment Councils accordingly.
- (5) The State Government may, in order to meet emergent needs and to meet the temporary shortage of funds on account of non-completion of prescribed formalities give advances as it may consider necessary to the districts pending regular release of funds and such advances shall be adjusted later against regular releases.
- (6) The State Employment Guarantee Fund shall be maintained by Meghalaya State Rural Employment Society in a separate bank account which shall be non-lapsable.
- (7) The District Programme Coordinators, Programme Officers or any other Agency or Organisations involved in the implementation of the MGNREGA shall not create any encumbrance on the grants released by the Central and State Govt. either directly by the Central Govt. or through the Mahatma Gandhi State Rural Employment Guarantee Fund, Meghalaya to the Districts and implementing agencies/organizations.
- (8) The sanctioned amount shall be released directly from the National/State Fund to a separate Bank Account of the District level for the implementation of the Act, which shall be non-lapsable.
- (9) The decision in regard to release of funds shall be taken by the Govt. of India in consultation with the State Govt. and Districts.
- (10) The Sanctioned amount may be released directly from the State Employment Guarantee Fund under sub-section (1) of section (21).
- (11) The rules of SEG Fund and the fund flow from State Employment Guarantee Fund to the Districts, Blocks and Area Employment Councils shall be notified by State Government.

6. Release of grants from the State Fund to the State Employment Guarantee Council:

- (i) The State Employment Guarantee Council will be given a grant every year with an initial corpus of rupees (to be decided by the State Finance Department) in order to meet the expenses in connection with the functions assigned to the council.
- (ii) The Council shall maintain a bank account in a scheduled Bank for the funds so given. This shall be operated jointly by the Chairman SEGC and anyone of the members.
- (iii) The grants shall be given to the Council after audit report for the previous year and the utilization certificate for at least sixty percent of the amount already released are furnished.

7. Balance budget grant : the balance budgeted grant of each financial year shall be transferred to the State Fund before the close of the financial year and shall continue the reserve of the State Fund.

8. Audit : The grants released from the State Funds to the Districts, Blocks, and Area Employment Councils shall be audited by the Account General, Meghalaya. The internal audit shall be done on behalf of the Head of the Department (Principal Secretary) to the Govt. of Meghalaya by the internal auditor of the Directorate supervised by Finance and Account Officer of the Director Community & Rural Development Department.

K. N. KUMAR,

Principal Secretary to the Govt. of Meghalaya,
Community & Rural Development Department.

The 5th December, 2012.

No. LBI. 5/2009/347 - In exercise of the powers conferred by Sub-section (5) of Section 1 of the Employees' State Insurance Act, 1948, the Governor of Meghalaya in consultation with the Employees' State Insurance Corporation and with the prior approval of the Government of India is pleased to extend the provisions of the ESI Act 1948 to the classes of establishments specified in the schedule annexed hereto, from the date of publication of this notification in the Official Gazette.

SCHEDULE

Description of establishments	Areas in which the establishments are situated
(1)	(2)
The following establishments wherein ten or more persons are employed, or were employed on any day of the preceding twelve months, namely - i) Shops; ii) Hotels; iii) Restaurants; iv) Road Motor Transport establishments; v) Cinemas including preview theatres; vi) Newspaper establishments as defined in Section 2(d) of the Working Journalists (conditions of service) and Miscellaneous Provisions Act, 1955 (45 of 1955).	All areas where the Scheme has already been brought into force under Section 1(3) of the Employees State Insurance Act 1948.

This Notification is issued after following the due procedure as provided in the said Act after issue of notice of intention vide Notification No. LBI. 5/2009/320 dated 31.5.2012.

This Notification supersedes the Notification No. Labour .253/80/201 dated. 11.5.1987.

M.S. RAO,
Principal Secretary to the Govt. of Meghalaya,
Labour Department.